

REMARKS

Claims 7-12 remain in this application, and new claims 13-18 are added above. Claims 1-6 were previously canceled. Reconsideration of the application is requested.

Independent claim 7 is rejected under 35 U.S.C. § 103(a), along with claims 8-11, as unpatentable over the Bargheer et al. ('399) patent, of record. Reconsideration of this rejection is requested.

The Examiner concludes that it would have been an obvious matter of design choice to place the Bargheer et al. ('399) heating element 32 between the "blower," formed by the fan 44, and the discharge opening 26. In support of this conclusion, the Examiner asserts that the present application does not disclose that a heating element between the blower and discharge opening of the present invention solves a stated problem, and it appears that the Bargheer et al. heating element would perform equally well. While the Examiner's comments are noted, it is respectfully submitted that the Bargheer et al. ('399) seat is perfectly adequate in its original configuration. The Examiner has identified no reason that one of ordinary skill in the art would have been motivated to make the modification proposed in the rejection. Simply because a modification to a disclosed configuration *could* be made is not a proper rationale for concluding that such a modification would have been obvious.

The language of claim 7 is amended above, moreover, and it is respectfully submitted that, even assuming that the modification to the Bargheer et al. ('399) seat proposed by the Examiner would have been "an obvious matter of design choice," the modified Bargheer et al. seat would not meet the limitations now

appearing in claim 7. Claim 7 above reflects features that are apparent, for example, from paragraphs 0015 and 0017 of the substitute specification. Referring to Figure 1b in the drawings of this application, without intending to limit the scope of the invention as defined by the claims or equivalents thereto, the grid element 32 is shown as arranged at a distance behind the front side 26 of the head restraint 14. One advantage of this configuration is that a seat occupant may comfortably rest his or her head against the head restraint 14 without irritation due to the grid element 32. The recessed grid element arrangement also is advantageous in that upon a frontal collision, the head of the seat occupant cannot be thrown against the grid element, and, instead, is cushioned by support from the head restraint. Unlike the arrangement according to the invention of the grid element 32 at a distance behind the front side of the head restraint in the seat forming the subject matter of the Bargheer et al. (‘399) patent, by contrast, the “grid element,” formed by air guiding device 38 with air-guiding veins 40, projects forwardly of the front side 28 of the head restraint 12. The air-guiding veins 40, therefore, are not positioned at a distance behind the front side of the head restraint as claim 7 requires, and the head of the seat occupant may contact the grid element in an irritating way.

It is respectfully submitted that claim 7 above is not obvious in view of the Bargheer et al. (‘399) patent disclosure for reasons discussed above, and that the obviousness rejection of claim 7 based on the Bargheer et al. (‘399) patent should be withdrawn. Claims 8-11 depend on claim 7, and the rejection of claims 8-11 based on the Bargheer et al. (‘399) patent should be withdrawn as well.

Independent claim 7 is also rejected under 35 U.S.C. § 103(a), along with claims 8-12, as unpatentable over the Bargheer et al. ('006) U.S. Patent application publication, of record, in view of the Bargheer et al. ('399) patent discussed above and the Del Monte publication, of record. Reconsideration of this rejection is also requested. The Examiner concludes that it would have been obvious to modify the seat and duct of the Bargheer et al. ('006) arrangement with the teachings of Bargheer et al. ('399) and Del Monte to provide added comfort while regulating air flow. Again, however, the Examiner has identified no appropriate reason that one of ordinary skill in the art would have been motivated to make the modification proposed in the rejection. There is nothing to suggest that the Bargheer et al. ('006) seat, in its original configuration, including the distributing device 28, the shut-off elements, and the guiding devices discussed in paragraph 0017 of the Bargheer et al. ('006) publication, does not already provide optimum comfort and adequate air flow regulation, and the modification to the Bargheer et al. ('006) arrangement proposed by the Examiner is based on a rationale that is not appropriate.

The grid element in the Del Monte opening 6 is also not arranged in the manner required by claim 7 above. The Del Monte grid element is provided at the rear side rather than at the front side of the illustrated headrest 1. Accordingly, there will be no contact between the Del Monte grid element and the head of an occupant of the Del Monte seat S during a vehicle impact. Moreover, as shown in Figure 2 of the Del Monte publication, the grid element in the opening 6 is not positioned at a distance behind the front side of the head restraint as claim 7 above.

It is respectfully submitted that claim 7 above is not obvious in view of the Bargheer et al. ('006) publication, the Bargheer et al. ('399) patent, and the Del Monte publication for reasons discussed, and that the obviousness rejection of claim 7 based on these documents should be withdrawn. Claims 8-12 depend on claim 7, and the rejection of claims 8-12 based on the documents discussed should be withdrawn as well.

Newly added dependent claims 13-19 should be patentable along with claim 7.

All of the claims now in this application should be allowable for reasons discussed above. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56911US).

Respectfully submitted,

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